

IN THE DRAWINGS:

Would the Office kindly substitute the attached amended Figures 1 to 3 for ones presently on file.

## R E M A R K S

Claims 1 to 11 are in the case.

With this amendment, Applicant is submitting revised Figures 1, 2 and 3 wherein reference numeral 54 has been changed to reference numeral 50 and reference numeral 40 has been added to Figures 1 and 3. Reference numeral 15 has been added to Figures 2 and 3. It is believed that this overcomes the Examiner's objections to the drawings.

In the disclosure, Applicant has corrected the typographical errors and has also added, on page 8, line 4, the co-pending application number.

The claims have been amended to overcome the objections set forth thereto in the Office Action. It is believed that all the claim objections have been overcome.

The objection of Claim 1 under 35 U.S.C. 112 has been noted and it is believed that the new language overcomes the Examiner's objections. In particular, the claim now recites that the first cooperative locking means engage in second cooperative locking means to thereby hold the fascia member in position.

With regard to Claim 2, it is believed that the term "upper section" is only used in respect of the first member. However, Applicant has again amended the claim to recite that it is the upper section of the first member.

Reconsideration of the rejection of the claims under 35 U.S.C. 102 is respectfully requested in view of the amendments and the following discussion.

Initially, the rejection of Claims 1 to 3 as being anticipated by US Patent 4,707,954 to Butzen is respectfully traversed.

The reference cited by the Examiner relates to a roof edge fascia system for a flat

roof. The teachings of this reference are so far removed from Applicant's device that it is not seen how the system of the prior art can begin to respond to the limitations of Claim 1. It is respectfully submitted that the Examiner's interpretation of the various components and applying to the elements named in Claim 1 is totally artificial and does not construe Claim 1 as written.

The Examiner has stated that Butzen teaches a fascia system having a first member 20 and a second member 10. Applicant defines the first member as having an upper section designed for securement to a roof member. Such is not the case in Butzen. To further differentiate Applicant's system, Claim 1 has been amended to recite that the upper section is designed for securement to an upper surface of a roof member.

In his rejection, the Examiner has further stated that Butzen has a drip edge 22a. It is respectfully submitted that no one skilled in the art would interpret the same as a drip edge since it would not function as the same. Rather, water will follow the downwardly sloping portion following "drip edge 22a".

The Examiner has also stated that there is provided an inwardly extending flange 18. Applicant would interpret the flange to be outwardly extending and furthermore, does not abut an adjoining soffit.

In order to further remove the teachings of Claim 1 from the cited reference, Applicant has now defined the transition section which extends inwardly and downwardly from the first section. Clearly this is not shown in the reference.

Claims 2 and 3 are believed to be allowable for the reasons advanced regarding the allowability of Claim 1.

Claim 9 was rejected as allegedly being anticipated by Knoebl (US Patent 4,461,128). Reconsideration of this rejection is respectfully requested in view of the following comments.

In his rejection, the Examiner has stated that the first member F has an upper section secured to the rafters under the roofing material. In order to clarify the differences between the structures, Applicant has stated that the rafters are covered by a sheet material which in turn is covered by a roofing material with the first member having an upper section secured to a top surface of the sheet material. The drip edge (37) which the Examiner refers to could never function as a drip edge since it is under the roofing material. As Applicant did in Claim 1, Applicant has also defined the transition section which clearly removes this reference as being pertinent to Applicant's Claim 9. It should also be noted that Applicant has defined the drip edge as being spaced outwardly from the rafters and the roofing material.

The rejection of Claims 1 and 8 under 35 U.S.C. 102 as allegedly being anticipated by Mills Jr. et al (US Patent 5,239,791) is respectfully traversed. This reference is directed to a coping assembly for the top of a parapet, wall or other similar structure.

Claim 1, as presently constituted, clearly defines over the reference cited by the Examiner. Thus, this reference cannot respond to the limitation of the transition section extending inwardly and downwardly from the first section and a lower section which extends substantially vertically from the transition section.

With respect to Claim 8, it is not seen how cleat 14 can function as a tensioning member which would maintain a pressure on the second member to ensure that the locking

action is maintained.

The rejection of the claims under 35 U.S.C. 103 has been noted. However, as it is believed the two independent claims are clearly patentable over the art for the reasons advanced above, it is not seen where the combinations add anything to the teachings of the primary references.

In view of the above, it is respectfully submitted that the application is now in order for allowance and such action is respectfully solicited.

Respectfully,




Eric Fincham  
Reg. 28,201

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents and Trademark, Alexandria, VA 22313-1450, on *Oct 17, 2006*

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Eric Fincham, Reg. 28,201

*Oct 17, 2006*  
Date